

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY THIRD DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE G. BIKSHAPATHY

WRIT PETITION NO : 20983 of 1994

Between:

M/s East Coast Commercial Co. Ltd.

Represented by its General Incharge,

Sri N.Viswanadham Naidu, Vizianagaram.

..... PETITIONER

AND

1. Industrial Tribunal cum Labour Court

Vizianagaram District, rep.by its Presiding Officer.

2. Sankarlal Gupta, 18-8-4, Kotla Mandappa Street,

Vizianagaram.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ of Certiorari or any appropriate writ and quash the Award of the first respondent in I.D. No. 139 of 1991.

Counsel for the Petitioner: MR.V.VENKATARAMANA

Counsel for Respondent No.1: G.P. for Labour.

Counsel for the Respondent No.2: M/S.A.S.RAMASARMA & SRINIVASA SARMA

The Court made the following:

ORDER:

This Writ Petition is filed challenging the Award dated 20.7.1994 passed by the first respondent-Industrial Tribunal-cum-Labour Court, Vizianagaram in I.D.No.139 of 1991.

2. The second respondent raised an industrial dispute under Section 2A-(2) of the Industrial Disputes Act challenging the termination order passed by the petitioner-management herein. The Tribunal after considering the matter held that the charges framed against the employee were not proved and accordingly set aside the order of the removal and directed reinstatement with back wages by Award dated 20.7.1994. Assailing the said Award, the present writ petition has been filed.

3. The learned Counsel for the petitioner submits that the Award passed by the Tribunal is illegal and contrary to law. He submits that it is not open for the Tribunal to go into the merits of the case when deciding the matter relating to the disciplinary case against the employee. Moreover, the employee was charge sheeted for the misconduct and in the enquiry, the misconduct was held to be proved. In such an event, it is beyond the jurisdiction of the Tribunal to interfere with the said findings of the petitioner-management. I am afraid I

cannot accept the said contention.

4. The Tribunal has considered the matter as to whether the charges framed against the petitioner were proved or not. The Tribunal categorically held that the charges framed against the petitioner were not proved. On that basis, the termination order passed by the petitioner-management was set aside. Thus, I do not find any infirmity or illegality in the order passed by the Tribunal in arriving to the said conclusion. It cannot be heard to say that the Tribunal has no jurisdiction.

5. Accordingly, the Writ Petition is dismissed. No costs.

G. BIKSHAPATHY, J

Dated:23.9.2004

ccm

To:

1. The Presiding Officer,Industrial Tribunal cum Labour Court
Vizianagaram District, ep.by its Presiding Officer.

2. 2 CD copies